IN THE CLAIMS

1.   (Previously Presented) A network-based commerce system including:

a processor coupled to a memory through a bus; and

a fixed price-setting process executed from the memory by the processor to cause the
processor to facilitate the operation of a network-based auction price setting process for a listing
of an item, the fixed price-setting process to provide a fixed price offer for the item and to
publish the fixed-price offer on the listing based on a criterion.

2.   (Original) The network-based commerce system of claim 1, wherein the fixed-price offer
is higher than a current highest bid.

3.   (Original) The network-based commerce system of claim 1, wherein the fixed-price offer
is lower than a high proxy bid.

4.   (Previously Presented) The network-based commerce system of claim 3, wherein the
fixed price-setting process further causes the processor to automatically designate a buyer
associated with the high proxy bid as the winner of the auctioned item.

5.   (Original) The network-based commerce system of claim 4, wherein the automatic
designation is performed when the buyer has opted into being designated the winner
automatically.

6.   (Original) The network-based commerce system of claim 3, wherein the fixed price-
setting process further causes the processor to automatically notify a buyer associated with the
current high proxy bid upon the publication of the fixed price offer.

7.   (Original) The network-based commerce system of claim 1 wherein the publication the fixed price offer includes the publication of the fixed price offer when a bid has reached a certain value during the auction.

8.   (Previously Presented) A network-based commerce system including:
        a means for facilitating the operation of a network-based auction price setting process for a listing of an item;
        a means for providing a fixed price offer for the item; and
        a means for publishing the fixed-price offer on the listing based on a criterion.

9.   (Original) The network-based commerce system of claim 8, wherein the fixed-price offer is higher than a current highest bid.

10.   (Original) The network-based commerce system of claim 8, wherein the fixed-price offer is lower than a high proxy bid.

11.   (Original) The network-based commerce system of claim 10, further including:
        a means for automatically designating a buyer associated with the high proxy bid as the winner of the auctioned item.

12.   (Original) The network-based commerce system of claim 11, wherein the means for automatically designating is performed when the buyer has opted into being designated the winner automatically.

13.   (Original) The network-based commerce system of claim 10, further including:
        a means for automatically notifying a buyer associated with the current high proxy bid upon the publication of the fixed price offer.

14.   (Original) The network-based commerce system of claim 8, wherein the means for publishing the fixed price offer includes publishing the fixed price offer when a bid has reached a certain value during the auction.

15.   (Previously Presented) A machine-readable medium having instructions to cause a machine to perform a method to facilitate operation of a network-based commerce system, the method including:

        facilitating the operation of a network-based auction price setting process for a listing of an item;

        providing a fixed price offer for the item; and

        publishing the fixed-price offer on the listing based on a criterion.

16.   (Original) The machine-readable medium of claim 15, wherein the fixed-price offer is higher than a current highest bid.

17.   (Original) The machine-readable medium of claim 15, wherein the fixed-price offer is lower than a high proxy bid.

18.   (Original) The machine-readable medium of claim 17, further including:

        automatically designating a buyer associated with the high proxy bid as the winner of the auctioned item.

19.   (Original) The machine-readable medium of claim 18, wherein the automatically designating is performed when the buyer has opted into being designated the winner automatically.

20.   (Original) The machine-readable medium of claim 17, further including:

        automatically notifying a buyer associated with the current high proxy bid upon the publication of the fixed price offer.

21.   (Original) The machine-readable medium of claim 15, wherein the publishing the fixed price offer includes publishing the fixed price offer when a bid has reached a certain value during the auction.

22.   (Previously Presented) A method to facilitate operation of a network-based commerce system, the method including:

facilitating the operation of a network-based auction price setting process for a listing of an item;

providing a fixed price offer for the item; and

publishing the fixed-price offer on the listing based on a criterion.

23.   (Original) The method of claim 22, wherein the fixed-price offer is higher than a current highest bid.

24.   (Original) The method of claim 22, wherein the fixed-price offer is lower than a high proxy bid.

25.   (Original) The method of claim 24, further including:

automatically designating a buyer associated with the high proxy bid as the winner of the auctioned item.

26.   (Original) The method of claim 25, wherein the automatically designating is performed when the buyer has opted into being designated the winner automatically.

27.   (Original) The method of claim 24, further including:

automatically notifying a buyer associated with the current high proxy bid upon the publication of the fixed price offer.

28.   (Original) The method of claim 22, wherein the publishing the fixed price offer includes publishing the fixed price offer when a bid has reached a certain value during the auction.